

AMENDED IN SENATE JULY 6, 2005

AMENDED IN ASSEMBLY MAY 11, 2005

AMENDED IN ASSEMBLY APRIL 26, 2005

AMENDED IN ASSEMBLY APRIL 7, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1574

Introduced by Assembly Member Jones

February 22, 2005

An act to add and repeal Section 12994 of the Government Code, relating to housing discrimination.

LEGISLATIVE COUNSEL'S DIGEST

AB 1574, as amended, Jones. Housing: discrimination.

(1) The Fair Employment and Housing Act states the intent of the Legislature to occupy the field of regulation of discrimination in employment and housing encompassed by its provisions, exclusive of all other laws prohibiting discrimination in employment and housing by any city, county, city and county, or other political subdivision of the state, except as specified. The act also authorizes the Department of Fair Employment and Housing to receive, investigate, or conciliate complaints, or to issue written accusations regarding unlawful employment or housing discrimination practices.

This bill would, notwithstanding these provisions, authorize the County of Sacramento and the City of Sacramento, until January 1, 2010, to enact laws prohibiting discrimination in housing that are substantively identical to the protections against discrimination as provided by the act.

The bill would require that a complainant may only bring his or her complaint with either the local Fair Employment and Housing Commission of Sacramento or the department and would require the local commission to conform the interpretation, application, and enforcement of its ordinance to the practices and precedents established by the department.

(2) This bill would also make legislative findings and declarations regarding the need for special legislation *and would make statements of legislative intent regarding this bill.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12994 is added to the Government
2 Code, to read:
3 12994. (a) Notwithstanding Section 12993, the County of
4 Sacramento and the City of Sacramento may enact laws
5 prohibiting discrimination in housing that are substantively
6 identical to state laws prohibiting discrimination in housing, as
7 set forth in this part.
8 (b) Any person who brings a complaint for housing
9 discrimination under this section or Article 2 (commencing with
10 Section 12955) of Division 3 of Title 2 shall only be permitted to
11 file his or her complaint with the local Fair Employment and
12 Housing Commission of Sacramento or the Department of Fair
13 Employment and Housing. Both the local agency and the state
14 agency shall work in cooperation to ensure that the same
15 complaint is not filed with both agencies.
16 (c) The interpretation, application, and enforcement of any
17 local ordinance adopted pursuant to this section shall be identical
18 to state law, shall conform to the practices and precedents
19 established by the Department of Fair Employment and Housing,
20 and shall not require any separate training or continuing
21 education by those licensed pursuant to Part 3 (commencing with
22 Section 11300) of Division 4 of the Business and Professions
23 Code.
24 (d) This section shall remain in effect only until December 31,
25 2009, and as of that date is repealed.

1 SEC. 2. The Legislature finds and declares that this act,
2 which is applicable only to the County of Sacramento and the
3 City of Sacramento, is necessary because the provisions of this
4 act will serve as a pilot program for extending authority to enact
5 laws prohibiting discrimination in housing to every city, county,
6 city and county, and other political subdivisions in the state. The
7 Legislature finds and declares that a special law is necessary and
8 that a general law cannot be made applicable within the meaning
9 of Section 16 of Article IV of the California Constitution because
10 of the need to enact this act on a trial basis only, applied to one
11 county and one city only, prior to extending the act to every city,
12 county, city and county, and political subdivision in the state.

13 SEC. 3. *It is the intent of the Legislature that no law enacted*
14 *pursuant to this act shall add or expand upon the rights, benefits,*
15 *obligations, protections, or classes of persons covered by the*
16 *California Fair Employment and Housing Act (Part 2.8*
17 *(commencing with Section 12900) of Division 3 of Title 2 of the*
18 *Government Code).*

19 SEC. 4. *It is the intent of the Legislature that the authority*
20 *granted by this act to the County of Sacramento and the City of*
21 *Sacramento shall not be renewed or extended unless and until*
22 *the Legislature has had the opportunity to review the success of*
23 *the pilot program created by this act.*